

MINUTES OF MEETING  
MAPLE RIVER WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
NOVEMBER 5, 2015

The Maple River Water Resource District met on November 5, 2015, at 9:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Rodger Olson, Chairman; Jurgen Suhr, Manager; Gerald Melvin, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Brenda Lovgren, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Chris Gross and Jeff Brown, Engineers for the Board; Pat Downs and Brady Woodard, Moore Engineering, Inc.; Ken Christl, property owner in Everest Township; and Jesse Inscore, Maple Valley High School student.

**Minutes**

It was moved by Manager Suhr, seconded by Manager Melvin and unanimously carried to approve the minutes of the October 1 and October 13, 2015, meetings.

**Swan Creek Improvement Project No. 2015-01**

It was moved by Manager Suhr and seconded by Manager Melvin to approve the *Resolution of Necessity* regarding Swan Creek Improvement Project No. 2015-01. Upon roll call vote, the motion carried unanimously. A copy of this Resolution is attached hereto.

The Board is proceeding with Swan Creek Improvement Project No. 2015-01. The Board reviewed information from the State Engineer regarding *Application to Drain #4741*, previously submitted by the Maple River Water Resource District regarding the proposed project. The project will include approximately 1 mile of channel improvements to Swan Creek, a legal assessment project, in Sections 27 and 28 of Casselton Township, Cass County, North Dakota. The Office of the State Engineer reviewed the drain application submitted by the District and concluded the project is not “of either statewide or interdistrict significance.”

The Board reviewed and adopted Moore Engineering’s proposed responses to the eight elements under 89-02-01-09.2 of the North Dakota Administrative Code. The Board further determined no hearing was necessary under 89-02-01-09.1(2) of the North Dakota Administrative Code because the Board will acquire any additional right of way necessary to accommodate the project. Further, the project will not increase or otherwise change the watershed area; therefore, the project will not drain any additional acres, nor will the project increase the volume of water drained. As a result, the project will not result in adverse impacts downstream. With those factors in mind, the Board concluded no hearing was necessary.

It was moved by Manager Suhr and seconded by Manager Melvin to approve *Application to Drain #4741* for the Maple River Water Resource District regarding Swan Creek Improvement Project No. 2015-01, subject to any conditions attached by the State Engineer. Upon roll call vote, the motion carried unanimously.

The Secretary-Treasurer will provide the original, signed permit and all supporting documents to the Office of the State Engineer.

#### **Garsteig Dam repairs**

Jeff Brown reviewed the *Engineer's Opinion of Probable Cost* regarding Garsteig Dam repairs. The process of installing the Cured-In-Place Pipe (CIPP) liner was explained. A cost share request has been submitted to the State Water Commission for consideration.

#### **Absaraka Dam repairs**

Jeff Brown reviewed the *Engineer's Opinion of Probable Cost* regarding Absaraka Dam repairs. The process of installing the Cured-In-Place Pipe (CIPP) liner was explained. A cost share request has been submitted to the State Water Commission for consideration.

#### **Embden Dam repairs**

Jeff Brown reviewed the *Engineer's Opinion of Probable Cost* regarding Embden Dam repairs. The process of installing the Cured-In-Place Pipe (CIPP) liner was explained. A cost share request has been submitted to the State Water Commission for consideration.

#### **Watershed Detention Studies**

Pat Downs updated the Board on meetings scheduled for the Swan Creek Watershed and the Upper Maple River Watershed Detention Studies.

#### **Lynchburg Channel / Buffalo Channel Improvements**

Chris Gross reviewed results of the survey on the Lynchburg Channel and Buffalo Channel from State Highway 18, east to the outlet at the Maple River. Improvements are needed on the channels to make them operational and to avoid any issues upstream. The channels do not have an assessment district. A vote on establishment of a federal maintenance district failed in 2007. There was no action taken on the matter at this time.

#### **Request for Drainage on Highway Right of Way for Jeffrey Askew to clean the Wheatland Channel along the south side of the I-94 frontage road in Section 8 of Durbin Township**

Work being done beyond the limitations of the *Request for Drainage on Highway Right of Way* for Jeffrey Askew to clean the Wheatland Channel along the south side of the I-94 frontage road in Section 8 of Durbin Township was discussed. The permit was approved at the October 1, 2015, meeting and the letter sent to the North Dakota Department of Transportation with the approved permit set out the following:

“If the applicant’s proposed cleanout or work in highway right of way will include simply a cleanout or maintenance of the highway road ditch, and the cleanout will not entail more than simply silt and/or cattail removal, the applicant need not obtain any permit from the Maple River Water Resource District. However, under § 61-32-03, if the applicant’s work will include any deepening or widening of the road ditch, the work may require a state drainage permit if the watershed area affected is 80 acres or more. In that case, the applicant should also obtain a drainage permit application from our office.”

#### **Drain #46 low water crossings**

Brady Woodard reported to the Board that the low water crossing on Drain #46 between Sections 4 and 9 in Lake Township is complete. It was moved by Manager Suhr and seconded by Manager Melvin to proceed with flattening the slopes and repair of the low water crossings on Drain #46, between Sections 16 and 21 and Sections 28 and 33 in Lake Township, at a cost not to exceed \$40,000 per site. Upon roll call vote, the motion carried unanimously.

#### ***Request for Drainage on Highway Right of Way for Rick and Mike Anderson to bore a 12 inch culvert through State Highway 38 in the southwest corner of Section 29 in Ayr Township***

It was moved by Manager Suhr and seconded by Manager Melvin to approve the *Request for Drainage on Highway Right of Way* for Rick and Mike Anderson to bore a 12 inch culvert through State Highway 38 in the southwest corner of Section 29 in Ayr Township. Upon roll call vote, the motion carried unanimously.

#### ***Utility Permit for Cass County Electric Cooperative to install underground power cable under Drain #37 between Sections 21 and 22 in Addison Township***

It was moved by Manager Suhr and seconded by Manager Melvin to approve the *Utility Permit* for Cass County Electric Cooperative to install underground power cable under Drain #37 between Sections 21 and 22 in Addison Township, subject to conditions provided by the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

#### **Bills**

It was moved by Manager Melvin and seconded by Manager Suhr to approve the payment of Checks #5455 through #5466 and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Olson, Suhr, and Melvin. The Chairman declared the motion carried.

#### **Upper Maple River Dam**

The Upper Maple River Dam project has been completed. Work on removal of Sussex Dam started yesterday.

**Adjournment**

There being no further business to be considered by the Board, the meeting adjourned without objection.

APPROVED:

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Rodger Olson  
Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer